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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 12-0628 MMC
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER CONTINUING HEARING DATE
v.)	AND EXCLUDING TIME UNDER
)	SPEEDY TRIAL ACT
CURTIS LEE JOHNSON, JR.,)	
)	
Defendant.)	

STIPULATION

IT IS HEREBY STIPULATED by the parties, through undersigned counsel, that:

1. The status conference in this case, currently scheduled for January 9, 2013 at 2:15 p.m., may (with the Court's concurrence) be continued to February 13, 2013 at 2:15 p.m.

2. The period from January 9, 2013 through and including February 13, 2013 may be excluded from the otherwise applicable Speedy Trial Act computation because failure to grant the continuance as requested would unreasonably deny the defendant continuity of counsel and the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Specifically, the parties represent that, according to the San Francisco Police Department Crime Lab, DNA examination of key evidence in this case (including swabs from the two firearms charged in the pending indictment) will not be concluded until the end of

January 2013. The parties further represent that the DNA test results in question will materially affect defense counsel's assessment of pretrial motions and the need for further investigation, as well as potential plea negotiations.

DATED: January 8, 2013

MELINDA HAAG
United States Attorney

/S/

ANDREW M. SCOBLE
Assistant United States Attorney

DATED: January 8, 2013

/S/

MICHAEL GAINES
Counsel for Defendant

~~PROPOSED~~ ORDER

Based upon the above-described Stipulation, THE COURT FINDS THAT the ends of justice served by granting a continuance from January 9, 2013 through and including February 13, 2013 outweigh the best interest of the public and the defendant in a speedy trial, and that failure to grant such a continuance would unreasonably deny the defendant continuity of counsel and the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Accordingly, THE COURT ORDERS THAT:

1. This case is continued to February 13, 2013 at 2:15 p.m. for further status.
2. The period from January 9, 2013 through and including February 13, 2013 is excluded from the otherwise applicable Speedy Trial Act computation, pursuant to 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

IT IS SO ORDERED.

DATED: January 8, 2013



HON. MAXINE M. CHESNEY
United States District Judge